

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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KENDRICK D.
by his Mother Jeaneth S.,

Plaintiff,

- against -

CATHOLIC HOME BUREAU et al.,

Defendants.

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DEBORAH A. BATTIS, United States District Judge.

This matter is before the Court upon the October 14, 2010 Report and Recommendation of United States Magistrate Judge Henry Pitman ("Report"). Judge Pitman's Report recommends that the Court approve the parties' proposed infant compromise, which allocates \$98,482.53 to Plaintiff, \$49,241.27 to Plaintiff's Counsel in attorney's fees, and \$2,276.20 to Plaintiff's Counsel in costs. (Report at 1.) Judge Pitman's Report also recommends that the Court retain jurisdiction of this action for the purposes of enforcing the terms of the underlying settlement. (Id.)

Pursuant to 28 U.S.C. § 636(b)(1)(C), "[w]ithin fourteen days after being served with a copy [of a Magistrate Judge's Report and Recommendation], any party may serve and file written objections to such proposed findings and recommendations..." 28 U.S.C. § 636(b)(1)(C); see also Fed. R. Civ. P. 72(b)(2). The district court may adopt

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those portions of the report to which no timely objection has been made, so long as there is no clear error on the face of the record. See 28 U.S.C. § 636(b)(1)(A); Wilds v. United Parcel Serv., Inc., 262 F.Supp.2d 163, 169 (S.D.N.Y. 2003). To date, no objections to the Report and Recommendation have been filed.

Having reviewed the Report and Recommendation and finding no clear error on the face of the record, it is hereby

ORDERED AND ADJUDGED as follows:

1. The Report and Recommendation of United States Magistrate Judge Henry Pitman dated October 14, 2010 be and the same hereby is APPROVED, ADOPTED, and RATIFIED by the Court in its entirety;

2. Pursuant to Magistrate Judge Pitman's recommendation, the Court APPROVES the parties' proposed infant compromise which allocates \$98,482.53 to Plaintiff, to be held in an interest bearing account and will be released to Plaintiff on his 18th birthday, \$49,241.27 to Plaintiff's Counsel Lansner Kubitschek Shaffer & Zuccardy in attorney's fees, and \$2,276.20 to Plaintiff's Counsel in costs;


3. Pursuant to Magistrate Judge Pitman's recommendation, the Court DENIES Plaintiff's request for an early release of Plaintiff's funds, without prejudice;

4. Pursuant to Magistrate Judge Pitman's recommendation, the Court retains jurisdiction for the purposes of enforcing the terms of the underlying settlement; and

5. The Clerk of the Court is directed to close the docket in this case.

SO ORDERED.

DATED: New York, New York
November 10, 2010


DEBORAH A. BATTS
United States District Judge